



DOCKET NO.: M0459.70018US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin R. Crompton
Serial No.: 09/666,813
Confirmation No.: 9117
Filed: September 21, 2000
For: REALISTICALLY TEXTURED PRINTED FLOCKED
FABRICS AND METHODS FOR MAKING THE FABRICS

Examiner: Cheryl Ann Juska
Art Unit: 1771

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 26th day of December, 2006.


Signature

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

Our check in the amount of \$1,200.00 covering the fees set forth in 37 CFR 1.17(a)(3) and 1.17(p) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

01/05/2007 AWONDAF1 00000125 09666813

02 FC:1806

180.00 OP

934120.1

hereafter filed in this application by this firm) to our Deposit Account No. 23/2825, under Docket No. M0459.70018US00. A duplicate copy of this paper is enclosed.

PART III: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the enclosed Office Action from a corresponding Turkish National Application 2002/00721 issued July 14, 2006, and a copy of the claims as pending as of that date.

The Applicant would like to bring to the Examiner's attention the following other information: a Litigation involving commonly owned U.S. Patent No. 5,981,021 (Cite No. 53 on the Form 1449 mailed by Applicant on September 5, 2003) directed to transfer printed flocked fabrics and methods for making the fabrics. The litigation is pending in United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC. Certain papers filed with the court are enclosed, as indicated on the attached form 1449.

PART IV: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified PTO/SB/08): The relevance of German language article "Transferbedruckte Polyester-Polware" by K. Ember *Textilveredlung* 12 (1977), Nr. 5 (Cite No. 76) as understood is indicated by its English language Summary and the figures.

The following are remarks concerning the other information cited: Regarding the pending litigation and litigations papers submitted herein, certain allegations of invalidity and

inequitable conduct have been alleged by the plaintiff that the Examiner may consider relevant.

PART V: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Serial No.: 09/666,813
Conf. No.: 9117

- 4 -

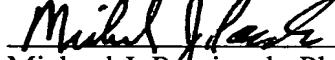
Art Unit: 1771

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:


Michael J. Pomianek, Ph.D., Reg. No. 46,190
David Wolf, Reg No. 17,528
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Date: December 26, 2006

934120

934120.1

IAN 03 2007

U.S. PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE STATEMENT BY APPLICANT

FORM PTO-1449/A and its modifications (PTO/SB/08)

APPLICATION NO.:	09/666,813	ATTY. DOCKET NO.:	M0459.70018US00
FILING DATE:	September 21, 2000	CONFIRMATION NO.:	9117
APPLICANT:			Kevin R. Crompton
GROUP ART UNIT:	1771	EXAMINER:	Cheryl Ann Juska

Sheet 1 of 3

U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	70	2,308,429		Smith et al.	01-12-1943
	71	3,999,940		Freeman	12-28-1976
	72	4,309,179		Heuser et al.	01-05-1982
	73	4,314,813		Masaki	02-09-1982
	74	4,427,414		Orton	01-24-1984
	75	4,963,422		Katz et al.	10-16-1990

FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	76	K. Ember, "Transferbedruckte Polyester-Polyware," Textilveredlung, Vol. 12, No. 5, pages 207-209 (1977).	N
	77	Brenner et al., "Textile Flocking," Textilbeflockung. Date unknown but 1991 or earlier	
	78	U. Zorll, et al., "Influences of composition and polarity of an adhesive on its bonding properties," Flock, Vol. 14, No. 46, pp. 7-18 (1987).	
	79	H. Schubert, et al., "Colour Differences in Flock and Flocked Articles," Flock, No. 36, pp. 3-9 (1984)	
	80	L. Bayerwerk, "Adhesive Formulations for Flock Application," Farbenfabriken Bayer AG, pp. 2-14 (1964).	
	81	R. S. Gregorian, et al., "Flock Technology," American Association of Textile Chemists and Colorists, pp. 30-37 & Figs. 1-6 (AATCC Symposium, December 8-9, 1971).	
	82	Examination Report for a corresponding Turkish Patent Application, serial no. 2002/00721, issued July 14, 2006 and copy of claims as pending as of that date.	
	83	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Docket Report as of December 21, 2006	
	84	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Second Amended Complaint of April 12, 2004	
	85	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Plaintiff Intermark Fabric Corporation's Memorandum of Law in Reply to Defendant's Opposition to Plaintiff's Motion for Summary Judgment of August 25, 2003	
	86	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Microfibres Inc.'s Memorandum of Law in Support of its Objection to Intermark Fabric Corporation's Motion for Summary Judgment Under 35 U.S.C. §§ 102 and 103 of October 14, 2003	

FORM PTO-1449/A and B (modified PTO/SB/08)		APPLICATION NO.: 09/666,813	ATTY. DOCKET NO.: M0459.70018US00
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: September 21, 2000	CONFIRMATION NO.: 9117
		APPLICANT: Kevin R. Crompton	
Sheet	Page 2 of 2	GROUP ART UNIT: 1771	EXAMINER: Cheryl Ann Juska

<i>O P E</i> <i>JAN 9 2007</i> <i>U.S. PATENT & TRADEMARK OFFICE</i>	87	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Memorandum of Law in Support of Plaintiff Intermark Fabric Corporation’s Motion for Summary Judgment of July 21, 2003	
	88	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Microfibres Inc.’s Memorandum of Law in Support of its Objection to Intermark Fabric Corporation’s Motion for Summary Judgment of August 11, 2003	
	89	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Memorandum of Law in Support of: Plaintiff, Intermark Fabric Corporation’s Motion for Summary Judgment Under 35 U.S.C. §§ 102 and 103 of September 22, 2003	
	90	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Local Rule 56(A)1 Statement of September 22, 2003	
	91	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Plaintiff Intermark Fabric Corporation’s Memorandum of Law in Reply to Defendant’s Objection to Plaintiff’s Motion for Summary Judgment Under §§102 and 103 of October 28, 2003	
	92	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Plaintiff Intermark Fabric Corporation’s Answers to Defendant, Microfibres, Inc.’s First Set of Interrogatories of August 12, 2003	
	93	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Plaintiff Intermark Fabric Corporation’s First Amended Answers to Defendant, Microfibres, Inc.’s First Set of Interrogatories of August 21, 2003	
	94	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Expert Report of Lawrence J. Goffney, Jr. of June 2, 2003	
	95	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Expert Rebuttal Report of David Brookstein, Sc.D. Matters Related to US Patent 5,981,021 of July 31, 2003	
	96	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Local Rule 56(A)1 Statement of July 21, 2003	
	97	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Microfibres, Inc.’s Local Rule 9(c)(2) Statement of August 11, 2003	
	98	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Microfibres, Inc.’s Local Rule 56(a)2 Statement of October 14, 2003	
	99	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Plaintiff Intermark Fabric Corporation’s Opposition to Defendant, Microfibres, Inc.’s Motion <i>in Limine</i> to Exclude Evidence Relating to “Best Mode” Defense of September 25, 2006	
	100	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Plaintiff Intermark Fabris Corporation’s Notice of Prior Art Under 35 U.S.C. § 282 of August 18, 2006	
	101	United States District Court for the District of Connecticut (New Haven) bearing Docket No. 3:02-cv-01267-AVC – Joint Trial Memorandum of August 28, 2006	

EXAMINER:	DATE CONSIDERED:
-----------	------------------

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. ___, filed ___, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO’s Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]